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2:14-cv-01449-JCM-CWH

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CPALEAD, LLC

11  
12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 CPALEAD, LLC, a Nevada limited liability  
15 company,

16 Plaintiff, v.

17 ADEPTIVE ADS LLC, a Nevada limited  
liability company, JASON BUTLER, an  
18 individual, and MICHAEL BELMONTE, an  
individual,

19 Defendants.  
20

Case No.

**TEMPORARY RESTRAINING ORDER**

21 **UPON CONSIDERATION** of Plaintiff's complaint, motion for temporary restraining  
22 order, the supporting memorandum of points and authorities, the supporting declarations and  
23 exhibits, the papers and pleadings on file in this case, and for good cause shown;

24 **THE COURT HEREBY FINDS THAT:**

25 1. Plaintiff CPALEAD, LLC has suffered and is likely to continue to suffer  
26 irreparable injury if the Court does not enjoin the Defendants from destroying evidence and from  
27 using and/or disclosing Plaintiff's trade secret customer data pending the Court's ruling on  
28 Plaintiff's motion for preliminary injunction;

1           2.     Plaintiff is likely to succeed on the merits of its claim for misappropriation of  
2 trade secrets under N.R.S. § 600A.010 *et seq.* for the following reasons:

3                 A.     Plaintiff's customer data constitutes a trade secret within the meaning of  
4 N.R.S. § 600A.030(5) in that the information derives independent economic value from not  
5 being generally known to, and not being readily ascertainable by proper means by, the public or  
6 any other persons who can obtain commercial or economic value from its disclosure or use; and  
7 the information is the subject of efforts that are reasonable under the circumstances to maintain  
8 its secrecy;

9                 B.     Plaintiff is likely to prove that the Defendants misappropriated Plaintiff's  
10 customer data within the meaning of N.R.S. § 600A.030(2);

11           3.     The balance of hardships tips in Plaintiff's favor because any continued disclosure  
12 or use of Plaintiff's customer data in the absence of a temporary restraining order may destroy  
13 any trade secret protection afforded such data and will continue to cause Plaintiff to suffer  
14 irreparable injury. In addition, destruction of evidence of Defendants' misappropriation of trade  
15 secrets may hinder Plaintiff's efforts to prove misappropriation and obtain relief in these  
16 proceedings. In contrast, a temporary restraining order will not unduly burden the Defendants  
17 because it will merely require that Defendants preserve evidence and will merely prohibit the  
18 Defendants from using or disclosing Plaintiff's trade secret customer data pending the Court's  
19 hearing on Plaintiff's motion for preliminary injunction; and

20           4.     The public interest weighs in favor of preservation of evidence and protection of  
21 trade secrets.

22           **NOW THEREFORE, IT IS HEREBY ORDERED THAT:**

23           1.     Defendants ADEPTIVE ADS LLC ("Adeptive Ads"), JASON BUTLER ("Mr.  
24 Butler"), and MICHAEL BELMONTE ("Mr. Belmonte") (collectively, the "Defendants"), and  
25 all other persons acting in concert or participation with them are hereby temporarily restrained  
26 and enjoined from any misappropriation of Plaintiff's trade secrets as follows: (1) from making  
27 any use whatsoever of Plaintiff's trade secrets or other confidential and proprietary business  
28 information, in whole or in part, for any purpose, including, but not limited to, contacting any

1 persons identified in Plaintiff's trade secrets or other confidential and proprietary business  
2 information; (2) copying Plaintiff's trade secrets or other confidential and proprietary business  
3 information, in whole or in part, in any form or through any means, including, but not limited to,  
4 creating any derivative works or subsets of Plaintiff's trade secrets or other confidential and  
5 proprietary business information; (3) moving or transferring Plaintiff's trade secrets or other  
6 confidential and proprietary business information, in whole or in part, from any computer,  
7 storage device, or media upon which it currently exists onto any other computer, storage device,  
8 or media; (4) disclosing, disseminating or otherwise communicating Plaintiff's trade secrets or  
9 other confidential and proprietary business information, in whole or in part, in any form or  
10 through any means to any other person or entity; (5) acquiring or attempting to acquire any  
11 additional trade secrets or other confidential and proprietary business information of Plaintiff, in  
12 whole or in part; (6) destroying, altering, moving, removing, or otherwise tampering with or  
13 disposing of any paper or electronic copy of Plaintiff's trade secrets or other confidential and  
14 proprietary business information, in whole or in part, within their respective possession, custody,  
15 or control; and (7) destroying, altering, moving, removing, or otherwise tampering with or  
16 disposing of any computer, storage device, or storage media upon which any copy of Plaintiff's  
17 trade secrets or other confidential and proprietary business information, in whole or in part,  
18 exists or has existed;

19       2.       Within three (3) days of service of this order, each Defendant shall provide  
20 Plaintiff's counsel with: (1) the location of every copy of any of Plaintiff's trade secrets or other  
21 confidential and proprietary business information, in whole or in part, within Defendants'  
22 respective possession, custody, or control; (2) an identification of each computer, storage device,  
23 or storage media upon which any copy of Plaintiff's trade secrets or other confidential and  
24 proprietary business information, in whole or in part, exists or existed prior to deletion by any  
25 Defendant or at the request of any Defendant; and (3) the name and address of each person or  
26 entity to whom any Defendant gave a copy of any of Plaintiff's trade secrets or other confidential  
27 and proprietary business information, in whole or in part, including, for each person or entity, the  
28 name of the person or entity, the date upon which the customer information was transferred to

1 such person or entity, and a detailed description of the specific information that was disclosed to  
2 such person or entity;

3 3. Within three (3) days of service of this order, each Defendant shall deliver to  
4 Plaintiff's counsel every copy of Plaintiff's trade secrets or other confidential and proprietary  
5 business information, in whole or in part, whether in paper or electronic form, and in the case of  
6 electronic copies, requiring each Defendant to deliver to Plaintiff's counsel every computer, hard  
7 drive, CD, and/or other storage device upon which any portion of Plaintiff's trade secrets or  
8 other confidential and proprietary business information, in whole or in part, may be found or  
9 may have existed, for inspection and copying;

10 4. Plaintiff may take the depositions of Mr. Butler and Mr. Belmonte, not to exceed  
11 two hours per deposition, on three business days' notice at any time prior to the commencement  
12 of formal discovery;

13 5. Plaintiff shall security in the amount of \$1,000. Pursuant to Local Rule 65.1-2,  
14 this requirement may be satisfied by the deposit of \$1,000 with the Clerk of the Court  
15 accompanied by a declaration identifying the owner thereof;

16 6. The parties shall appear for hearing and oral argument on Plaintiffs' motion for a  
17 preliminary injunction on September 24, 2014, at the hour of 11:00 a.m. in Courtroom  
18 6A, at the Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas,  
19 Nevada; and

20 7. Defendants shall file and serve their opposition to Plaintiff's motion for  
21 preliminary injunction, if any, no later than September 16, 2014 and Plaintiffs shall file and  
22 serve its reply brief no later than September 19, 2014.

23 DATED September 10, 2014 at 9:00 a.m.

24  
25   
26 **UNITED STATES DISTRICT JUDGE**